

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Patent Application No. 09/715,171

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-16 are pending in the application. In response to the July 20, 2004 Office Action, Applicant respectfully submits that the pending claims define patentable subject matter.

Claims 1, 2, 4-7, 9-13 and 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kaaresoja (U.S. Patent No. 6,556,573). Claims 3, 8, 14 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kaaresoja in view of newly cited Olkkonen et al. (USP 6,738,374; hereafter “Olkkonen”). Applicant respectfully traverses the prior art rejections.

In the Amendment filed April 5, 2004, Applicant argued that Kaaresoja does not disclose a transmission channel having a limited data rate associated with the second protocol, as previously required by independent claims 1, 6, 12 and 13. In particular, the ATM core network 206 linking the IWF (transcoder) 208 and the BTS 200 is utilized for transmitting data via the ATM protocol at a very high data rate transmission, as is well known to those skilled in the art. On the contrary, in the present invention, the transmission channel is a limited data rate transmission channel, which means that the protocol used for transmission on this channel (i.e. the “second protocol”) is different from a protocol like ATM or other protocol for transmission in packet mode.

In response, the Examiner rejection remains essentially the same except for the additional citation of column 9, lines 10-19 and column 10, line 60 - column 11, line 9 of the Kaaresoja specification (i.e., the Examiner did not specifically respond to the arguments in the April 5

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Amendment other than modifying the previous rejection to include a citation to this section of Kaaresoja).

By this Amendment, Applicant has amended the independent claims to require that the transmission channel interconnecting the first and second relay has “a limited data rate associated with transmission in circuit mode.” In the example disclosed in the present application, the “second protocol” is the GSM protocol. More generally, the “second protocol” corresponds to a protocol for transmission in circuit mode (which, as opposed to packet mode, does not allow very high data rates, as known to the skilled person).² In such a protocol, the present invention proposes to no longer transmit the data in a synchronous mode (such a synchronous mode being illustrated in the second row of Figure 3 of the present application) but to transmit the data in an asynchronous mode (such an asynchronous mode being illustrated in the third row of Figure 3 of the present application). Other than this change from synchronous mode to asynchronous mode, all other properties of this (second) protocol are kept the same. Accordingly, this does not mean that this (second) protocol is changed to, for example, the ATM protocol or another protocol in packet mode, and in particular, this does not mean that the transmission channel is therefore changed to a very high data rate transmission channel (i.e., this transmission channel remains a limited data rate transmission channel). Since ATM cannot be used for transmission over a transmission channel “having a limited data rate associated to

² In circuit mode, the communication pathway between two users is fixed for the duration of the call and is not shared by other users. Although several users may share one physical line by using equipment that support frequency division multiplexing. Packet mode is for data communications which are featured by bursty traffic. Physical channels are not dedicated to a specific end to end connection and they may be shared by many end to end logical connections.

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transmission in circuit mode", Applicant respectfully submits that the claimed invention should be allowable over Kaaresoja.

With regard to claims 3, 8 and 16, the Examiner concedes that Kaaresoja does not disclose the subject matter of regarding receiving an instruction to retransmit a message. However, the Examiner cites col. 8, line 50 - col. 9, line 13 of Olkkonen for disclosing the subject matter of these claims and contends in would have been obvious to modify Kaaresoja in view of the teachings of Olkkonen. However, Applicant respectfully submits that it is quite clear that Olkkonen does not teach or suggest the features of these claims which are missing from Kaaresoja. In particular, nowhere does the cited section of Olkkonen receiving an instruction to retransmit a message, as required by claims 3 and 8, or a decoder for receiving an instruction to retransmit data messages, and storing the data messages that are to be retransmitted in the buffer memory or changing an order in which the data messages are read from the buffer memory, as required by claim 16.

Accordingly, Applicant respectfully submits that claims 1-16 should be allowable because the cited references, alone or combined, does not teach or suggest all of the features of the claims, and one of ordinary skill in the art would not have been motivated to modify the teachings of the cited references to produce the claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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